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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,775	10/14/2003	Roger Allen Lueder	305217.01	3354
27662 7590 08/30/2007 MICROSOFT CORPORATION C/O LYON & HARR, LLP 300 ESPLANADE DRIVE SUITE 800 OXNARD, CA 93036			EXAMINER VU, KIEU D	
			ART UNIT 2173	PAPER NUMBER
			MAIL DATE 08/30/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/684,775

Applicant(s)

LUEDER ET AL.

Examiner

Kieu D. Vu

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2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06/18/07.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 23-36, 41 and 42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 23-36, and 41-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. This Office Action is in response to the Amendment filed on 06/18/07.
2. Claims 1-12, 23-36, and 41-42 are pending.
3. This is noted the pages of the specification (including claims and abstract) are correctly numbered. The objection in the previous action is hereby withdrawn.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 29-33, 35-36, and 42 are rejected under 35 U.S.C. 102(e) as being anticipated by Dempksi et al ("Dempski", US 6727927).

Regarding claim 29, Dempski teaches an interactive search results presentation system, comprising: a general purpose computing device comprising a display and a user interface selection device (searching and displaying items found during the search) (col. 2, lines 43-51); and a computer program comprising program modules executable by the computing device, wherein the computing device is directed by the program modules of the computer program to graphically display the results of an electronic search to a user on said display via a search results window (see Fig. 7-9), said search results window comprising, a multi-leveled tree displayed in a graphic

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data presentation sector of the search results window (see detailed view of search result window in Fig. 7) (col. 7, lines 27-41), said tree comprising, a top level comprising a plurality of categories representing how the search results can be grouped (top level of the tree shows that the search results can be grouped into, for example "People", "Topics", "Client", etc.) (Fig. 7), and a second level of one or more of the top level categories, wherein the second level comprises one or more subsets representing the search results grouped via the top level category divided into ranges (Fig. 7-9), and wherein each second level is displayed in response to a separate user command to do so (the tree nodes can be expanded (col. 13, lines 37-48).

Regarding claim 30, Dempksi teaches the plurality of categories comprise known attributes of the search results (for example "People", "Topics", "Client", etc.) (Fig. 7).

Regarding claim 31, Dempski teaches the plurality of categories comprises at least two of (i) the date a search results item was created, (ii) a date a search results item was last modified, (iii) a name of the search results item, (iv) a file size of a search results item (col. 5, lines 19-31) (Fig. 6 and Fig. 9).

Regarding claim 32, Dempski teaches the plurality of categories comprise a category representing the search results grouped by a date associated therewith, and wherein the one or more subsets representing the search results grouped via date comprises the search results divided into date ranges) (Fig. 6 and Fig. 9-10).

Regarding claim 33, Dempski teaches the plurality of categories comprise a category representing the search results grouped by name, and wherein the one

or more subsets representing the search results grouped by name comprises the search results divided into alphanumeric ranges based on a first symbol of the name of the search results item (see "Topics" in Fig. 9).

Regarding claim 35, Dempksi teaches the tree further comprises another level, which is displayed in response to a user command to do so, and which comprises ways in which the search results associated with an immediately preceding level of a branch of the tree can be classified, whenever said search results in the immediately preceding level of a branch of the tree are grouped in ranges appropriate to the type of search results (Fig. 27).

Regarding claim 36, Dempski teaches the tree further comprises another level which is displayed in response to a user command to do so, and which comprises one or more subsets representing the search results as grouped in an immediately preceding level of a branch of the tree divided into smaller groups each representing a range of the search results, whenever said search results in the immediately preceding level of said branch of the tree are identified via classifications appropriate to the type of search results (Fig. 7, col. 19, lines 41-57).

Regarding claim 42, Dempski teaches a computer-readable medium having computer-executable instructions for graphically displaying the results of a search to a user on a display device via a search results window (searching and displaying items found during the search) (col. 2, lines 43-51), said computer-executable instructions comprising: displaying a multi-leveled tree in the search results window comprising

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alternating hierarchical levels (see detailed view of search result window in Fig. 7) (col. 7, lines 27-41), the odd numbers of which comprise ways in which all or a selected portion of the search results can be grouped (top level of the tree shows that the search results can be grouped into, for example "People", "Topics", "Client", etc.) (Fig. 7), and the even numbers of which comprise one or more subsets representing the search results under consideration in the immediately preceding level divided into ranges (Fig. 7-9); and displaying a listing of search results items of all or the selected portion of the search results in the search results window (the tree nodes can be expanded (col. 13, lines 37-48).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Demp ski and Christal et al (US 6751624).

Regarding claim 34, Demp ski teaches grouping the search result into ranges (Fig. 9-10) but fails to teaches the plurality of categories comprise a category representing the search results grouped by file size, and wherein the one or more subsets representing the search results grouped by file size comprises the search results divided into size ranges. Christal teaches a search system that returns search

results identified by file size (Fig. 6) (col. 12, lines 12-17). It would have been obvious to one of ordinary skill in the art, having the teaching of Dempski and Christal before him at the time the invention was made, to modify the user interface for grouping search results into ranges taught by Dempski to include returning results identified by file size taught by Christal with the motivation being to enable Dempski's interface to ranging search results by file size. Ranging search results by file size will enhance file transfer ability in Dempski's system (Christal, col. 12, lines 14-21)

8. Claims 1-12 and 23-28 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dempski and McNally (US 6448985).

Regarding claim 41, Dempski teaches the system of claim 29 and further teaches displaying a listing of all the search results items included in a user-selected category or subset of the tree (Fig.8) but fails to teach displaying a list sector in the search results window which displays a listing of search results items included in a user-selected category or subset of the tree. However, such feature is known in the art as evidenced by McNally. McNally teaches a user interface for displaying a directory tree (col. 2, lines 45-46) in which a user-selected category or subset of the can be expanded (col. 2, lines 46-47). McNally further teaches displaying a list sector (region / subsection) in the search results window such that the listing of all the search results items included in a user-selected category or subset of the tree will fit into the space allotted to the list sector (col. 2, lines 45-60)(col. 8, lines 4-8, lines 22-38) (Fig. 3A-6B). It would have been obvious to one of ordinary skill in the art, having the teaching of Dempski and McNally before him at the time the invention was made, to modify the

user interface for displaying the search window taught by Dempksi to include displaying the subsection taught by McNally with the motivation being to provide the user with a better view of search results by creating a separate section to display retrieved items belonging to a user-selected category.

Regarding claim 1, Dempksi teaches in a computer system having a user interface including a display and a user interface selection device, a process for graphically displaying the results of an electronic search to a user on said display via an interactive search results window in which the user views and refines search results items displayed (searching and displaying items found during the search) (col. 2, lines 43-51), comprising process actions for: displaying a multi-leveled tree in a graphic data presentation sector of the search results window (see detailed view of search result window in Fig. 7) (col. 7, lines 27-41), comprising, displaying a top level of the tree comprising a plurality of categories representing how the search results can be grouped (top level of the tree shows that the search results can be grouped into, for example "People", "Topics", "Client", etc.) (Fig. 7), and displaying, in response to a user command to do so, a second level of the tree for one or more of the top level categories (the tree nodes can be expanded, so clicking on the top level node "People" will result in displaying the list of the people found in the search) (col. 13, lines 37-48) (Fig. 7-9), wherein the second level comprises one or more subsets representing the search results grouped via the top level category divided into ranges (Fig. 7-9). Dempski teaches displays a listing of all the search results items included in a user-selected category or subset of the tree (Fig.8) but fails to teach displaying a list sector in the search results window such that the listing of all the search results items included in a

user-selected category or subset of the tree will fit into the space allotted to the list sector. However, such feature is known in the art as evidenced by McNally. McNally teaches a user interface for displaying a directory tree (col. 2, lines 45-46) in which a user-selected category or subset of the can be expanded (col. 2, lines 46-47). McNally further teaches displaying a list sector (region / subsection) in the search results window such that the listing of all the search results items included in a user-selected category or subset of the tree will fit into the space allotted to the list sector (col. 2, lines 45-60)(col. 8, lines 4-8, lines 22-38) (Fig. 3A-6B). It would have been obvious to one of ordinary skill in the art, having the teaching of Dempksi and McNally before him at the time the invention was made, to modify the user interface for displaying the search window taught by Dempksi to include displaying the subsection taught by McNally with the motivation being to provide the user with a better view of search results by creating a separate section to display retrieved items belonging to a user-selected category.

Regarding claim 2, Dempksi teaches the process action of displaying a second level of the tree comprising one or more subsets representing the search results grouped via the associated top level category divided into smaller ranges, comprises an action of clustering the top level category search results items into a series of ranges whenever appropriate for the type of items (for example, see "Projects" in Fig. 9)

Regarding claim 3, Dempksi teaches the top level category under consideration categorized the search results by date, and wherein the process action of clustering the top level category search results items into a series of ranges appropriate for the items, comprises clustering the items into a series of date

ranges (for example, see "Projects" in Fig. 9)

Regarding claim 4, Dempksi teaches wherein the top level category under consideration categorized the search results by name, and wherein the process action of clustering the top level category search results items into a series of ranges appropriate for the items, comprises clustering the items into a series of alphanumeric ranges based on a first symbol of the name of the search results item (see "Topics" in Fig. 9).

Regarding claim 5, Dempski teaches a process action for displaying, in response to a user command to do so, another level comprising ways in which the search results associated with an immediately preceding level of a branch of the tree can be classified, whenever said search results in the immediately preceding level of a branch of the tree are grouped in ranges appropriate to the type of search results (Fig. 7-9).

Regarding claims 6 and 26, Dempski teaches wherein the search results classifications are specified by the user (col. 5, lines 21-32).

Regarding claims 7 and 27, Dempski teaches a process action of displaying to the user a list of search results classifications, wherein the user specifies the classifications by selecting from the list (col. 5, lines 21-32).

Regarding claim 8, Dempski teaches a process action for displaying, in response to a user command to do so, another level comprising one or more subsets representing the search results as grouped in an immediately preceding level of a branch of the tree divided into smaller groups each representing a

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range of the search results, whenever said search results in the immediately preceding level of the branch of the tree are identified via classifications appropriate to the type of search results (col. 5, lines 21-32) (Fig. 7-9).

Regarding claim 9, Dempksi teaches the process actions for displaying levels of the tree comprises an action of leaving previously displayed levels in view so that the use can see the path taken from the top level category to the lowest level displayed (see Fig. 8).

Regarding claim 10, Dempski teaches the process actions of displaying a subset of the search results at any level comprise an action of displaying the number of search results items associated with the subset adjacent thereto (Fig. 9).

Regarding claim 11, Dempski teaches the process action of displaying the number of search results items associated with a subset adjacent thereto, comprises an action of displaying a zero for any subset not having any search results associated therewith (see "Projects" in Fig. 11).

Regarding claim 12, Dempski teaches the process actions of displaying subsets of the search results at any level comprise an action of not displaying a subset whenever there are no search results items associated with it (col. 2, lines 42-47).

Regarding claim 23, Dempski in view of McNally teaches the process action of displaying the list sector in the search results window, comprises an action of, prior to the user selecting a category or subset of the tree, making available for display all of

the search results and displaying as many of the search results items that will fit into the space allotted to the list sector in the search results window (McNally, col. 2, lines 45-60, col. 8, lines 4-8, lines 22-38, Fig. 3A-6B).

Regarding claim 24, Dempski in view of McNally teaches wherein the number of search result items made available for display is too large for all of them to be displayed in the space allotted to the list sector, and wherein the search results window further comprises a graphic scroll bar displayed adjacent the list sector which the user employs to bring search results items hidden from view due to the space limitation into view (McNally, col. 5, lines 47-64).

Regarding claims 25, Dempski in view of McNally teaches wherein the number of search result items included in the user-selected category or subset of the tree is too large for all of them to be displayed in the space allotted to the list sector in the search results window, and wherein the search results window further comprises a graphic scroll bar displayed adjacent the list sector which the user employs to bring search results items hidden from view due to the space limitation into view (McNally, col. 5, lines 47-64).

Regarding claim 28, Dempski teaches displaying a search results counter in the search results window which displays the total number of search results items prior to the user selecting a category or subset of the tree and which displays the number of search results items included in a user-selected category or subset of the tree after said selection is made (col. 5, lines 21-37).

9. Applicant's arguments filed on 06/18/07 have been fully considered but they are not persuasive.

Applicant argues

"Granted, the Examiner equates the display of a date associated with a particular search result (FIGS. 6, 9 and 10), or the alphabetical listing of categories (FIGS. 9 and 10) in Dempksi as being the same as the claimed dividing of search results grouped via a category in one level, into range subsets in the next. However this is not the case. The range subsets represent groups of search results falling within a prescribed range, such as a time period or alphabetic sequence. The date listings in Dempksi are merely dated search result items (FIG. 6), or dated category items (FIGS. 9 and 10). For example, the dated Project items at the bottom of FIG. 9 in Dempksi represent single search result items that fall into the Project category. They do not represent search results divided by date. For instance if there were another search result item in the Project category associated with the same date as the CAL CENTER STRATEGY item, these two items would not be listed in a date range that included their associated dates. Rather they would be listed separately. The same is true for the HARRIS BANK OPERATING MODEL listing that is associated with a period of time. If there were another search result item in the Project category associated with the same dates, these two items would not be listed in a date range that included their associated dates. Rather, they too would be listed separately. Thus associating a date or period of time with a particular search result item is not the same as grouping search results belonging to a category in one level of the tree into subsets divided by an appropriate range in the next level."

Examiner respectfully disagrees. Dempksi teaches that the Project category is "arranged chronologically, such as with the most recent information displayed first" (col. 18, lines 61-63; col. 19, lines 48-50). Therefore, if there were another search result item in the Project category associated with the same date as the CALL CENTER STRATEGY (or HARRIS BANK OPERATING MODEL) item, these two items would be listed in a date range that included their associated dates. They are not listed separately as assumed by Applicant.

Applicant argues

"Similarly, alphabetizing categories listed in a tree as shown in Dempksi's FIGS. 9 and 10 is not the same as dividing a category of search results from one level of the tree into an alphabetic range of search results of that category in the next level. This is quite clear from the fact that in both Dempksi's FIGS. 9 and 10, there are several categories beginning with the same letter listed separately, rather than being represented by an alphabetic range."

Examiner respectfully disagrees since it is reasonable to say that the names of the subsets of categories are represented by an alphabetical range. For example, the full topic names, "Competitive Positioning", "Customer Contact", "Customer Service", "Customer-Driven Strategy Development" (Fig. 9) (emphasis added) are represented by the alphabetical range. (For Applicant's convenience, portions of the names are underlined to show the increase in the order of the alphabetical ranges of the full topic names).

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu D. Vu. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4057.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached at 571-272-4048.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

571-273-8300

and / or:

571-273-4057 (use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper / amendment be faxed directly to them on occasions).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kieu D. Vu

Primary Examiner